

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Herbert Henderson v. Gaming Entertainment Indiana LLC

Case Number	29D05-2102-CT-000773
Court	Hamilton Superior Court 5
Type	CT - Civil Tort
Filed	02/04/2021
Status	02/04/2021 , Pending (active)

Parties to the Case

Defendant Gaming Entertainment Indiana LLC

Address c/o Business Filings Incorporated
334 N Senate Ave.
Indianapolis, IN 46204

Attorney John Patrick Schomaker
#2508615, Lead, Retained

ROLFES HENRY CO LPA
600 Vine Street
Suite 2600
Cincinnati, OH 45202
513-579-0080(W)

Attorney Justin Michael McMullen
#3076315, Retained

2661 Common Blvd.
Suite 315
Beavercreek, OH 45431
937-985-2564(W)

Co- Defendant Kone Inc

Address c/o Corporation Service Company
135 N Pennsylvania St., Suite 1610
Indianapolis, IN 46204

Attorney Blake N Shelby
#2806429, Retained

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
PO Box 44961
Indianapolis, IN 46204
317-237-3800(W)

Plaintiff Henderson, Herbert

Address	21443 Clare Ave. Noblesville, IN 46060
Attorney	Andrew William Reed Dickerson <i>#2888564, Lead, Retained</i> 198 South 9th Street Noblesville, IN 46060 317-773-5997(W)
Attorney	Heather Ryann Kinser <i>#3434549, Retained</i> Holt Legal Group, LLP 198 South 9th Street Noblesville, IN 46060 317-773-5997(W)

Chronological Case Summary

02/04/2021 **Case Opened as a New Filing**

02/04/2021 **Complaint/Equivalent Pleading Filed**

Complaint for Damages - Henderson

Filed By: Henderson, Herbert

File Stamp: 02/04/2021

02/04/2021 **Appearance Filed**

Appearance by Attorney in Civil Case - Henderson

For Party: Henderson, Herbert

File Stamp: 02/04/2021

02/04/2021 **Subpoena/Summons Filed**

Summons - Gaming Entertainment (Indiana) LLC - Henderson

Filed By: Henderson, Herbert

File Stamp: 02/04/2021

02/04/2021 **Subpoena/Summons Filed**

Summons - Kone Inc. - Henderson

Filed By: Henderson, Herbert

File Stamp: 02/04/2021

02/17/2021 **Certified Mail Returned**

Notice of Service of Summons - Henderson

Party Served: Henderson, Herbert

Date Signed: 02/15/2021

02/24/2021 **Appearance Filed**

Appearance of Blake Shelby on behalf of KONE, Inc.

For Party: Kone Inc

File Stamp: 02/23/2021

02/24/2021 **Motion for Enlargement of Time Filed**

KONE Inc.'s Motion for Extension of Time to Respond to Plaintiff's Complaint

Filed By: Kone Inc

File Stamp: 02/23/2021

02/24/2021 **Order Granting Motion for Enlargement of Time**

Notice by sh

Noticed: Gaming Entertainment Indiana LLC

Noticed: Kinser, Heather Ryann

Noticed: Dickerson, Andrew William Reed

Noticed: Shelby, Blake N

Order Signed: 02/24/2021

02/24/2021 **Certificate of Issuance of Summons**

Notice of Service of Summons Kone - Henderson

Filed By: Henderson, Herbert

File Stamp: 02/24/2021

02/25/2021 **Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 2/24/2021 : Gaming Entertainment Indiana LLC

02/25/2021 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 2/24/2021 : Andrew William Reed Dickerson;Blake N
Shelby;Heather Ryann Kinser

03/03/2021 **Appearance Filed**

Attorney J. Patrick Schomaker Appearance for Gaming Entertainment

For Party: Gaming Entertainment Indiana LLC

File Stamp: 03/03/2021

03/03/2021 **Appearance Filed**

Attorney Justin M. McMullen Appearance for Gaming Entertainment (Indiana) LLC

For Party: Gaming Entertainment Indiana LLC

File Stamp: 03/03/2021

03/08/2021 **Answer Filed**

Defendant Gaming's Answer to Plaintiff's Complaint

Filed By: Gaming Entertainment Indiana LLC

File Stamp: 03/08/2021

03/11/2021 **Notice Issued to Parties**

A complaint and an answer having been filed in this cause with a pending request for a jury trial setting, the parties are ordered to prepare and submit a case management plan within 60 days of the date of this entry. The case management plan shall include an estimated date by which the case will be ready for trial, the potential length of trial, deadlines for preliminary and final witness and exhibit lists, completion for discovery, and the filing of dispositive motions. These deadlines shall be shown as specific future dates, and counsel may consult with court staff to establish pretrial conference and jury trial dates. The case management plan shall also include a plan for mediation unless the Court shall delete such requirement upon good cause being shown by either party. For the parties' information, the Court notes that jury trial settings in Hamilton Superior Court 5 are currently being set in late 2022 and early 2023.

Notice by bc

Noticed: Kinser, Heather Ryann

Noticed: Dickerson, Andrew William Reed

Noticed: Shelby, Blake N

Noticed: Schomaker, John Patrick

Noticed: McMullen, Justin Michael

Financial Information

*

Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Henderson, Herbert

Plaintiff

Balance Due (as of 03/11/2021)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
02/04/2021	Transaction Assessment	157.00
02/04/2021	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

STATE OF INDIANA) IN THE HAMILTON COUNTY SUPERIOR COURT
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29D__-2102-CT-_____

HERBERT HENDERSON,)
)
Plaintiff,)
v.)
)
GAMING ENTERTAINMENT)
(INDIANA) LLC and KONE INC.)
)
Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating __xx__ Responding ____ Intervening ____; and the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: Herbert Henderson
Address of party: 142 Chadwick Court, Noblesville, IN 46062
Telephone # of party: 765-602-9937

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name:	Andrew Dickerson, Lead HOLT LEGAL GROUP	Attorney # 28885-64 adickerson@holtlegal.com
	Heather R. Kinser HOLT LEGAL GROUP	Attorney #34345-49 hkinser@holtlegal.com staff@holtlegal.com
Address:	198 South 9th Street Noblesville, IN 46060	Phone: (317) 773-5997 Fax: (317) 773-5960

3. There are other party members: Yes __XX__ No ____

4. I will accept service by FAX at the above noted number: Yes ____ No __XX__

5. This case involves support issues. Yes ____ No __XX__

6. There are related cases: Yes ____ No __XX__

7. This form has been served on all other parties. Certificate of Service is attached: Yes XX

Respectfully submitted,

/s/ Andrew Dickerson
Andrew Dickerson, #28885-64

CERTIFICATE OF SERVICE

Pursuant to Trial Rule 56, the undersigned hereby certifies that the foregoing document has been e-filed on 4th day of February, 2021 and duly served upon the following by certified mail:

Gaming Entertainment (Indiana) LLC
Registered Agent: Business Filings Inc
334 North Senate Ave.
Indianapolis, Indiana 46204

Kone Inc.
Registered Agent: Corporation Service Company
135 North Pennsylvania Street, Suite 1610
Indianapolis, Indiana 46204

/s/ Andrew Dickerson
Andrew Dickerson, #28885-64

HOLT LEGAL GROUP
198 South 9th Street
Noblesville, Indiana 46060
(317) 773-5997
adickerson@holtlegal.com

HOLT LEGAL
GROUP

198 South 9th Street
Noblesville IN 46060
(317) 773-5997



7018 3090 0000 8241 1840



1000



46204

U.S. POSTAGE
FCM LETTER
NOBLESVILLE,
46060
FEB 08, 21
AMOUNT

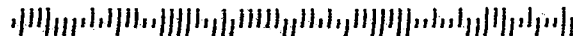
\$7.20

R2304M114608-

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kone Inc.
c/o Corporation Service Company
125 North Pennsylvania St, Suite 1610
Indianapolis, IN 46204

46204-361025



STATE OF INDIANA) IN THE HAMILTON COUNTY SUPERIOR COURT
) SS:
 COUNTY OF HAMILTON) CAUSE NO. 29D____-2102-CT-_____

HERBERT HENDERSON,)
)
 Plaintiff,)
 v.)
)
 GAMING ENTERTAINMENT)
 (INDIANA) LLC and KONE INC.)
)
 Defendants.)

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, **Herbert Henderson**, by his counsel, Andrew Dickerson, and in support of his Complaint for Damages, respectfully state to the Court as follows:

1. At all times relevant herein, Plaintiff was a resident of Hamilton County, Indiana.
2. At all times relevant herein, Defendant Gaming Entertainment (Indiana) LLC, at all times relevant and material to this action, was a foreign Limited Liability Company doing business in Ohio County, in the City of Rising Sun, State of Indiana and maintaining a local office and registered agent. The registered agent for Gaming Entertainment (Indiana) LLC is Business Filing Inc., 334 North Senate Ave, Indianapolis IN 46204.
3. At all times relevant herein, Defendant Kone Inc., at all times relevant and material to this action, was a foreign For-Profit Corporation doing business in Ohio County, in the City of Rising Sun, State of Indiana and maintaining a registered agent. The registered agent for Kone Inc. is Corporation Service Company, 135 North Pennsylvania Street, Suite 1610, Indianapolis IN 46204.

4. That on February 5, 2019, Plaintiff was staying at the Classic Hotel, Room 369, at the Rising Star Casino and Resort, whose main address is at or about 777 Rising Star Drive, Rising Sun, Indiana 47040.
5. That on said date, at approximately 9:12 p.m. the Plaintiff was going to use the elevator on the left to go down to the first floor.
6. That the elevator doors began to close much more quickly than anticipated and Plaintiff used his left hand to try to re-open it.
7. That the elevator doors shut on his left hand and his hand was stuck between the elevator doors.
8. That on said date, Defendant Gaming Entertainment (Indiana) LLC was responsible for the safety of its' customers.
9. That on said date, Defendant Kone Inc. was responsible for the maintenance and upkeep of the elevator on the Rising Star Resort and Casino property.
10. Gaming Entertainment (Indiana) LLC was negligent and/or liable to Plaintiff for not providing safety to him and failing to warn Plaintiff and/or others of dangerous conditions while staying at the Rising Start Resort and Casino.
11. Kone Inc. was negligent and/or liable to Plaintiff due to one or more of the following reasons:
 - a. Failing to inspect the elevator properly;
 - b. Failing to renovate or install the elevator properly;
 - c. Failing to repair the elevator properly;
 - d. Failing to warn Plaintiff and/or others of dangerous conditions;
 - e. Failing to maintain elevator properly;

- f. Failing to anticipate a danger due to known problem or a problem Defendant Kone Inc. should have known;
 - g. Otherwise failing to keep the property safe for Plaintiff and/or others.
- 12. As a direct and proximate result of Defendant Gaming Entertainment (Indiana) LLC's negligence, Plaintiff sustained injuries and has been damaged.
 - 13. As a direct and proximate result of Defendant Kone Inc.'s negligence, Plaintiff sustained injuries and has been damaged.
 - 14. As a result of the injuries sustained by Plaintiff, Plaintiff was required to engage in the medical care and treatment of doctors, hospitals, x-ray technicians, physical therapists and/or other providers, thereby incurring medical expense.
 - 15. As a direct and proximate result of the carelessness and negligence of the Defendants, Plaintiff suffered injuries, incurred medical bills, incurred lost wages, endured pain, suffering and mental anguish, all to his damage.

WHISEFORE, Plaintiff, by counsel, respectfully requests that this Court enter a judgment against the Defendants in an amount deemed reasonable and appropriate, together with the costs of this action, and for all relief just and proper in the premises.

Respectfully submitted,

/s/ Andrew Dickerson
Andrew Dickerson, #28885-64
HOLT LEGAL GROUP
Attorney for Plaintiff

STATE OF INDIANA) IN THE HAMILTON COUNTY SUPERIOR COURT
) SS:
 COUNTY OF HAMILTON) CAUSE NO. 29D__-2102-CT-_____

HERBERT HENDERSON,)
)
 Plaintiff,)
 v.)
)
 GAMING ENTERTAINMENT)
 (INDIANA) LLC and KONE INC.)
)
 Defendants.)

SUMMONS

TO DEFENDANT: **Kone Inc.**
Registered Agent: Corporation Service Company
135 North Pennsylvania Street, Suite 1610
Indianapolis, Indiana 46204

You are hereby notified that you have been sued by the person listed as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

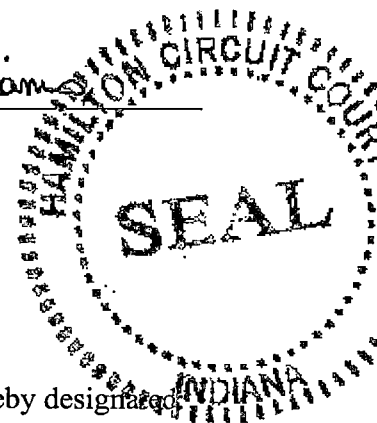
An Answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

DATED: 2/4/2021

Kathy Keag Williams
 Clerk of Hamilton County

Andrew Dickerson, (#28885-64)
 Heather R. Kinser (#34345-49)
 HOLT LEGAL GROUP
 198 South 9th Street
 Noblesville, Indiana 46060
 (317) 773-5997
adickerson@holtlegal.com



The following manner of service of Summons is hereby designated:
XX Service at above address by Certified Mail.

STATE OF INDIANA) IN THE HAMILTON COUNTY SUPERIOR COURT
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29D05-2102-CT-000773

HERBERT HENDERSON,)
)
 Plaintiff,)
 v.)
)
GAMING ENTERTAINMENT)
(INDIANA) LLC and KONE INC.)
)
 Defendants.)

NOTICE OF SERVICE OF SUMMONS

Comes now Plaintiff, Herbert Henderson, by counsel, Andrew Dickerson, and respectfully notifies the Court the Summons, Complaint and the Appearance was served upon Defendant, Gaming Entertainment (Indiana) LLC c/o Business Filings Inc., Registered Agent., by U.S.P.S. Certified Mail, Return Receipt, **Tracking No.: 7018 3090 0000 8241 1833 on February 8, 2021.** The return receipt card was returned signed on February 10, 2021 (Exhibit 1).


Respectfully submitted,

HOLT LEGAL GROUP

/s/ Andrew Dickerson
Andrew Dickerson, #28885-64

HOLT LEGAL GROUP
198 S. 9th Street
Noblesville, IN 46060
317-773-5997
adickerson@holtlegal.com

EXHIBIT A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <input checked="" type="checkbox"/> <input type="checkbox"/></p>	
<p>1. Article Addressed to:</p> <p>Gaming Entertainment Indiana LLC 40 Business Filings Inc. 334 N Senate Ave Indpls IN 46204</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0000 8241 1833</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> d Mail</p> <p><input type="checkbox"/> d Mail Restricted Delivery (\$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Indiana 46204 1833

OFFICIAL USE

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.75
Total Postage and Fees	\$7.20

Postmark Here
08 2021
02/08/2021
USPS 46204 9998

Send To
Gaming Entertainment
40 Business Filings Inc.
334 N Senate Ave
Indpls IN 46204

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**IN THE HAMILTON SUPERIOR COURT
 STATE OF INDIANA**

HERBERT HENDERSON,)	CAUSE NO. 29D05-2102-CT-00773
)	
Plaintiff,)	
)	
v.)	
)	
GAMING ENTERTAINMENT)	
(INDIANA),)	
LLC, and KONE, INC.)	
)	
Defendants.)	

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating: ☐ Responding: ☒ Intervening: ☐; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: **KONE, Inc.**

Address of party (see Question # 5 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)

**c/o Frost Brown Todd LLC, 201 North Illinois Street, Suite 1900, P.O. Box 44961,
 Indianapolis, Indiana 46244-0961.**

Telephone # of party **317.237.3800**

(List on a continuation page additional parties this attorney represents in this case.)

2. Applicable attorney information for service as required by Trial Rule 5(B) (2):

Name:	Blake N. Shelby	Attorney No.	#28064-29
	FROST BROWN TODD LLC	Phone:	(317) 237-3800
Address:	201 North Illinois Street	FAX:	(317) 237-3900
	Suite 1900	Email:	bshelby@fbtlaw.com
	P.O. Box 44961		
	Indianapolis, IN 46244-0961		

IMPORTANT: Each attorney specified on this appearance:

(a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this

- Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
 - (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a **civil tort** case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes ☐ No ☒ (If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ☐ No ☒ (*If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.*) The party shall use the following address for purposes of legal service:

- ☐ Attorney's address:
- ☐ The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.state.in.us**).
- ☐ Another address (provide):

This case involves a petition for involuntary commitment. Yes ☐ No ☒

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

- a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:
- b. State of Residence of person subject to petition:
- c. At least one of the following pieces of identifying information:
 - (i) Date of Birth
 - (ii) Driver's License Number
State where issued Expiration date
 - (iii) State ID number
State where issued Expiration date
 - (iv) FBI number
 - (v) Indiana Department of Corrections Number
 - (vi) Social Security Number is available and is being provided in an attached confidential document Yes ☐ No ☐

7. There are related cases: Yes ☐ No ☒ (If yes, list on continuation page.)
8. Additional information required by local rule: None.
9. There are other party members: Yes ☐ No ☒ (If yes, list on continuation page.)
10. This form has been served on all other parties and Certificate of Service is attached:
Yes ☒ No ☐

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/Blake N. Shelby
Blake N. Shelby, #28064-29
Attorneys for Defendant, KONE, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2021, a copy of the foregoing document was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Andrew Dickerson
Heather R. Kinser
HOLT LEGAL GROUP
198 South 9th Street
Noblesville, Indiana 46060
adickerson@holtlegal.com
hkinser@holtlegal.com
Attorneys for Plaintiff Herbert Henderson

/s/Blake N. Shelby
Blake N. Shelby

FROST BROWN TODD LLC
201 N. Illinois St., Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
bshelby@fbtlaw.com

**IN THE HAMILTON SUPERIOR COURT
STATE OF INDIANA**

HERBERT HENDERSON,)	CAUSE NO. 29D05-2102-CT-00773
)	
Plaintiff,)	
)	
v.)	
)	
GAMING ENTERTAINMENT)	
(INDIANA),)	
LLC, and KONE, INC.)	
)	
Defendants.)	

**KONE, INC.’S MOTION FOR EXTENSION
OF TIME TO ANSWER PLAINTIFF’S COMPLAINT FOR DAMAGES**

Defendant, KONE, Inc. (“KONE”), by counsel, requests a 30-day extension of time within which to file its responsive pleading to Plaintiff’s Complaint for Damages in this matter. In support of said Motion, Defendant states:

1. Plaintiff filed his Complaint on February 4, 2021.
2. Service of the summons and complaint was perfected on KONE’s registered agent via certified mail on February 10, 2021, thereby making KONE’s responsive pleading due on or before March 5, 2021.
3. KONE requires additional time to gather the information necessary to prepare its responsive pleading in this matter.
4. KONE requests that the Court provide it until April 5, 2021 to file a responsive pleading.
5. Plaintiff’s counsel has been advised of this request for time and does not object.

WHEREFORE, Defendant KONE, Inc. requests that the Court grant its request for a thirty (30) day extension of time, up to and including April 5, 2021, within which to answer or otherwise respond to Plaintiff's Complaint in this matter.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/Blake N. Shelby

Blake N. Shelby, #28064-29

Attorneys for Defendant, KONE, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2021, a copy of the foregoing document was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Andrew Dickerson
Heather R. Kinser
HOLT LEGAL GROUP
198 South 9th Street
Noblesville, Indiana 46060
adickerson@holtlegal.com
hkinser@holtlegal.com
Attorneys for Plaintiff Herbert Henderson

/s/Blake N. Shelby

Blake N. Shelby

FROST BROWN TODD LLC
201 N. Illinois St., Suite 1900
P.O. Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
bshelby@fbtlaw.com

STATE OF INDIANA) IN THE HAMILTON COUNTY SUPERIOR COURT
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29D05-2102-CT-000773

HERBERT HENDERSON,)
)
 Plaintiff,)
 v.)
)
GAMING ENTERTAINMENT)
(INDIANA) LLC and KONE INC.)
)
 Defendants.)

NOTICE OF SERVICE OF SUMMONS

Comes now Plaintiff, Herbert Henderson, by counsel, Andrew Dickerson, and respectfully notifies the Court the Summons, Complaint and the Appearance was served upon Defendant, Kone Inc. c/o Corporation Service Company, Registered Agent., by U.S.P.S. Certified Mail, Return Receipt, **Tracking No.: 7018 3090 0000 8241 1840 on February 8, 2021.** The return receipt card was returned signed on February 10, 2021 (Exhibit 1).

Respectfully submitted,

HOLT LEGAL GROUP

/s/ Andrew Dickerson
Andrew Dickerson, #28885-64

HOLT LEGAL GROUP
198 S. 9th Street
Noblesville, IN 46060
317-773-5997
adickerson@holtlegal.com

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>Mary Coleman</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>		
<p>1. Article Addressed to:</p> <p><i>Kone Inc</i> <i>C/O Corporation Service Company</i> <i>125 N Pennsylvania, Ste 1610</i> <i>Indpls, IN 46204</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>		
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0000 8241 1840</p>	<p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>			

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For delivery information, visit our website at www.usps.com®.

Indpls, IN 46204

OFFICIAL USE

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.75
Total Postage and Fees	\$7.20

Postmark Here
FEB 08 2021
 02/08/2021

Sent To
Kone Inc C/O Corporation Service Company
 Street and Apt. No. or PO Box No.
125 N Pennsylvania Ste 1610
 City, State, ZIP+4®
Indpls IN 46204

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**IN THE HAMILTON SUPERIOR COURT
STATE OF INDIANA**


HERBERT HENDERSON,)	CAUSE NO. 29D05-2102-CT-00773
)	
Plaintiff,)	
)	
v.)	
)	
GAMING ENTERTAINMENT)	
(INDIANA),)	
LLC, and KONE, INC.)	
)	
Defendants.)	

**ORDER GRANTING DEFENDANT KONE, INC.'S MOTION FOR EXTENSION OF
TIME TO ANSWER PLAINTIFF'S COMPLAINT FOR DAMAGES**

Defendant, KONE, Inc., by counsel, having moved the Court for an extension of time within which to file its responsive pleading to Plaintiff's Complaint for Damages, and the Court having reviewed same and being duly advised in the premises, now GRANTS said Motion.

THEREFORE IT IS HEREBY ORDERED, that Defendant KONE, Inc. shall have to and including April 5, 2021 to respond to Plaintiff's Complaint for Damages.

SO ORDERED: February 24, 2021.


 Judge, Hamilton Superior Court 5

Distribution to All Counsel of Record via the Court's Electronic Filing System

Name: Justin M. McMullen, Esq. Ind. Atty Number: 30763-15
Address: Rolfes Henry, Co., LPA
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202
Phone: 513-579-0080
FAX: 513-579-0222
Email Address: jmcmullen@rolfeshenry.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a CT case type as defined in administrative Rule 8(B)(3).

4. This case involves child support issues. Yes ____ No XX (If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)

5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order.

Yes ____ No XX (If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service:

____ Attorney's address
____ The Attorney General Confidentiality program address
____ (contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).
____ Another address (provide)

This case involves a petition for involuntary commitment. Yes ____ No XX

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

- a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: _____
- b. State of Residence of person subject to petition: _____
- c. At least one of the following pieces of identifying information:
 - (i) Date of Birth _____
 - (ii) Driver's License Number _____
State where issued _____ Expiration date _____
 - (iii) State ID number _____
State where issued _____ Expiration date _____
 - (iv) FBI number _____
 - (v) Indiana Department of Corrections Number _____
 - (vi) Social Security Number is available and is being provided in an attached confidential document
Yes ____ No ____

7. There are related cases: Yes ____ No XX (If yes, list on continuation page.)

8. Additional information required by local rule:

9. There are other party members: Yes ____ No ____ (If yes, list on continuation page.)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes ____ No XX

Attorney-at-Law
(Attorney information shown above.)

Name: J. Patrick Schomaker, Esq. Ind. Atty Number: 25086-15
 Address: Rolfes Henry, Co., LPA
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202
 Phone: 513-579-0080
 FAX: 513-579-0222
 Email Address: pschomaker@rolfeshenry.com

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 State where issued _____ Expiration date _____
 - (iv) FBI number _____
 - (v) Indiana Department of Corrections Number _____
 - (vi) Social Security Number is available and is being provided in an attached confidential document
 Yes ☐ No ☐


7. There are related cases: Yes ☐ No XX (If yes, list on continuation page.)

8. Additional information required by local rule:

9. There are other party members: Yes ☐ No ☐ (If yes, list on continuation page.)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes ☐ No XX



 Attorney-at-Law
 (Attorney information shown above.)

STATE OF INDIANA) IN THE MARION COUNTY SUPERIOR COURT 1
)SS:
 COUNTY OF MARION) CAUSE NO.: 49D01-1811-CT-044391

COLLIN SALLEE,)
 Plaintiff,)
)
 vs.)
)
 INDIANA BRIDGE, INC., PREFERRED SAFETY, LLC,)
 TOYOTA MOTOR ENGINEERING &)
 MANUFACTURING NORTH AMERICA, INC., DEVON)
 INDUSTRIAL GROUP, LLC, COMPLETE)
 STRUCTURAL CONSULTING, INC., RUBY &)
 ASSOCIATES, INC., SSOE, INC., PROTHIOUS)
 ENGINEERING SERVICES a/k/a PROTHIOUS, INC.,)
 SAFETY MANAGEMENT GROUP and MAXIM)
 CRANE WORKS, LP,)
 Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is: Prothious Engineering Services
 Incorrectly identified as Prothious Engineering Services a/k/a Prothious, Inc.

Initiating _____ Responding X Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case
 for the following parties:

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: _____ Michael C. Cooley _____ Atty Number: _____ 26020-41

_____ Thomas S. Bowman _____ Atty Number: _____ 30532-64

_____ Kevin G. Harvey _____ Atty Number: _____ 17994-49

Address: _____ Five Courthouse Plaza _____

_____ P.O. Box 455 _____

Phone: _____ (317) 462-3455: Fax: (317) 467-6109 _____

Email Address: _____ mcc@awmh.net; tsb@awmh.net; kgh@awmh.net _____

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

- 3. This is a _____ case type as defined in administrative Rule 8(B)(3).
- 4. This case involves child support issues. Yes ____ No X
- 5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ____ No X
- 6. This case involves a petition for involuntary commitment. Yes ____ No X
- 7. There are related cases: Yes ____ No X
- 8. Additional information required by local rule:

- 9. There are other party members: Yes ____ No X
- 10. This form has been served on all other parties and Certificate of Service is attached:
Yes X No ____

Respectfully submitted,
ALLEN WELLMAN McNEW HARVEY, LLP

/s/ Michael C. Cooley
Michael C. Cooley, #26020-41
Thomas S. Bowman, #30532-64
Kevin G. Harvey, #17994-49
ALLEN WELLMAN McNEW HARVEY, LLP
Five Courthouse Plaza; P.O. Box 455
Greenfield, IN 46140
317-462-3455; 317-467-6109 (fax)

Counsel for Prothious Engineering Services
Attorneys for Prothious Engineering Services

*Incorrectly identified as Prothious Engineering
Services a/k/a Prothious, Inc.*

CERTIFICATE OF SERVICE

I certify that on March 4, 2021, I electronically filed the foregoing document using the Indiana E-Filing System. I also certify that on March 4, 2021, the foregoing document was either served electronically upon the following person via the Indiana E-Filing System or mailed by U.S. First Class Mail.

Betsy Greene – betsy@greeneschultz.com Frederick Schultz – fred@greeneschultz.com Brandon Hall – brandon@greeneschultz.com Greene & Schultz <i>Counsel for Plaintiff</i>	Kevin Conway - kconway@cooneyconway.com Judith Conway - jconway@cooneyconway.com Timothy Ocasek - tocasek@cooneyconway.com Charles Porretta – cporretta@cooneyconway.com Cooney and Conway <i>Counsel for Plaintiff</i>
Eric Riegner – eriegner@fbtlaw.com Blake Shelby – bshelby@fbtlaw.com Lewis & Wagner, LLP and Frost Brown Todd, LLC <i>Counsel for Defendant Indiana Bridge, Inc.</i>	Matthew Melton - mmelton@ncs-law.com Cynthia Lasher – clasher@ncs-law.com Peter Schroeder - pschroeder@ncs-law.com Norris, Choplin & Schroeder, LLP <i>Counsel for Defendant SSOE, Inc.</i>
Logan Hughes - lhughes@reminger.com Reminger Co., LPA <i>Counsel for Defendant Ruby & Assoc., Inc.</i>	Brittney Rykovich - brykovich@grsm.com Gordon & Rees <i>Counsel for Defendant Safety Mgmt. Group</i>
R. Gregory Sylvester - gsylvester@reminger.com Reminger Co., LPA <i>Counsel for Defendant Complete Structural Consulting, Inc.</i>	Jonathan Bucher - jbucher@schultzpoguelaw.com Thomas Schultz - tschultz@schultzpoguelaw.com Schultz & Pogue, LLP <i>Counsel for Defendant Preferred Safety, LLC</i>
Thomas Kramer- thomas.kramer@thehartford.com Scott Reinglass – scott.reinglass@thehartford.com Law Offices of The Hartford <i>Counsel for Defendant Prothious, Inc. and Prothious Inc. (incorrectly identified as Prothious Engineering Services)</i>	Scott Bunnell - sbunnnell@hsk-law.com Jeremy Lemon - jlemon@hsk-law.com James Shea - jshea@hsk-law.com Kathryn Yarnelle - kyarnelle@hsk-law.com Hunt Suedhoff Kalamaros LLP <i>Counsel for Defendant Maxim Crane Works, LP</i>
Andrew Albright - aalbright@smbtrials.com Brian Bell – bbell@smbtrials.com Bryan Rogers - berogers@smbtrials.com Swanson, Martin & Bell, LLP <i>Counsel for Defendants Toyota Motor Engineering & Manufacturing North America, Inc. and Toyota Motor North America, Inc. and Toyota Motor Manufacturing of Indiana, Inc.</i>	Anthony Eleftheri - aeleftheri@dsvlaw.com Thaddeus Schurter - tschurter@dsvlaw.com Drewry Simmons Vornehm, LLP <i>Counsel for Defendant Devon Industrial Group, LLC</i>

/s/ Michael C. Cooley

Michael C. Cooley, #20620-41

21-22827 March 8, 2021 JPS/JMM: mms
Attorney for Defendant Gaming Entertainment (Indiana) LLC

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29D05-2102-CT-000773

HERBERT HENDERSON

Plaintiff

v.

GAMING ENTERTAINMENT (INDIANA)
LLC and KONE, INC.

Defendants

)
)
) Judge David K. Najjar
)
) **DEFENDANT GAMING**
) **ENTERTAINMENT (INDIANA) LLC'S**
) **ANSWER TO PLAINTIFF'S**
) **COMPLAINT FOR DAMAGES WITH**
) **JURY DEMAND ENDORSED**
) **HEREON**
)

COMES now Defendant, Gaming Entertainment (Indiana) LLC ("Defendant"), by and through undersigned counsel, and for its Answer to Plaintiff's Complaint avers as follows:

1. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 1 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.
2. Defendant admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 3 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.
4. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 4 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.

5. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 5 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.

6. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 6 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.

7. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 7 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.

8. Defendant denies the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. Defendant admits the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. Defendant denies the allegations contained in paragraph 10 of Plaintiff's Complaint.

11. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 11 of Plaintiff's Complaint, including all subparagraphs and, therefore, said allegations are deemed denied.

12. Defendant denies the allegations contained in paragraph 12 of Plaintiff's Complaint.

13. Defendant denies the allegations contained in paragraph 13 of Plaintiff's Complaint.

14. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 14 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.

15. Defendant has insufficient knowledge as to the truth or falsity of the allegations contained in paragraph 15 of Plaintiff's Complaint and, therefore, said allegations are deemed denied.


AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff was contributorily negligent.
3. Plaintiff(s) assumed the risk.
4. The alleged injuries and damages were caused or contributed to by the actions of third-parties or other circumstances which constitute intervening or superseding causes.
5. Venue in this matter is improper.

WHEREFORE, Defendant Gaming Entertainment (Indiana) LLC prays Plaintiff's Complaint for Damages be dismissed at Plaintiff's cost, and for such other relief which the Court deems just and proper.

Respectfully submitted,

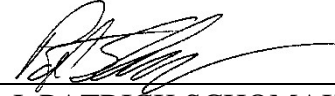
Rolfes Henry Co., LPA



J. Patrick Schomaker, Esq. (Ind. Bar #25086-15)
Justin M. McMullen, Esq. (Ind. Bar #30763-15)
Rolfes Henry Co., LPA
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202
Tele: 513.579.0080
Facsimile: 513.579.0222
pschomaker@rolfeshenry.com
jmcmullen@rolfeshenry.com
*Attorneys for Defendant Gaming Entertainment
(Indiana) LLC*

DEMAND FOR JURY TRIAL

Defendant respectfully requests a jury trial for all issues so triable of right by a jury.



J. PATRICK SCHOMAKER, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendant Gaming Entertainment (Indiana) LLC's Answer to Plaintiff's Complaint for Damages with Jury Demand Endorsed Hereon* was served this 8th day of March, 2021, via the Court's Electronic Filing System and/or regular US Mail upon the following:

Andrew Dickerson, Esq. (#28885-64)
Heather R. Kinser, Esq. (#34345-49)
HOLT LEGAL GROUP
198 South 9th Street
Noblesville, Indiana 46060
adickerson@holtlegal.com
hkinser@holtlegal.com
staff@holtlegal.com
Attorneys for Plaintiff

Blake N. Shelby, Esq. (#28064-29)
FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, Indiana 46244-0961
bshelby@fbtlaw.com
Attorney for Defendant Kone, Inc.



J. Patrick Schomaker, Esq. (Ind. Bar #25086-15)
Justin M. McMullen, Esq. (Ind. Bar #30763-15)
Rolfes Henry Co., LPA
*Attorneys for Defendant
Gaming Entertainment (Indiana) LLC*

IN THE SUPERIOR COURT NO. 5 OF HAMILTON COUNTY

CCS ENTRY

HENDERSON

CAUSE NO. 29D05-2102-CT-000773

v.

Date: March 11, 2021

GAMING ENTERTAINMENT, et al

JUDGE'S APPROVAL: _____

The Clerk will please enter the following entry on the Chronological Case Summary (This entry will not appear in the Record of Orders and Judgments):

A complaint and an answer having been filed in this cause with a pending request for a jury trial setting, the parties are ordered to prepare and submit a case management plan within 60 days of the date of this entry. The case management plan shall include an estimated date by which the case will be ready for trial, the potential length of trial, deadlines for preliminary and final witness and exhibit lists, completion of discovery, and the filing of dispositive motions. These deadlines shall be shown as specific future dates, and counsel may consult with court staff to establish pretrial conference and jury trial dates. The case management plan shall also include a plan for mediation unless the Court shall delete such requirement upon good cause being shown by either party.

For the parties' information, the Court notes that jury trial settings in Hamilton Superior Court 5 are currently being set in late 2022 and early 2023.